

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(iii), (b)(1)(D) – Possession  
 With Intent To Distribute Crack Cocaine and Marijuana

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

 PENALTY:  
 SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

**DEFENDANT - U.S.**
 ANTIONE DEMETRIUS SMITH,  
 a/k/a Antoine Smith, a/k/a "Moto,"

DISTRICT COURT NUMBER

CR08-0110

 FILED  
 FEB 27 2008  
 RICHARD W. WIEKIA  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

DLJ

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

 Name and Office of Person  
 Furnishing Information on this form JOSEPH P. RUSSONIELLO
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.  
 Attorney (if assigned) JAMES C. MANN, AUSA
**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☒ Federal ☐ State
6) ☒ Awaiting trial on other charges
 If answer to (6) is "Yes", show name of institution  
Santa Rita Jail

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed
DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: NO BAIL
 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**ATTACHMENT TO PENALTY SHEET FOR ANTIONE DEMETRIUS SMITH**

**Count 1:** 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(iii) - Possession With Intent To Distribute A Schedule II Controlled Substance (Cocaine Base).

*If 851 Information alleging prior felony narcotics conviction filed:*

- |     |                     |  |
|-----|---------------------|--|
| (1) | Imprisonment:       | Maximum Life Imprisonment<br>Mandatory Minimum 10 Years Imprisonment |
| (2) | Fine:               | Maximum \$4,000,000  |
| (3) | Supervised Release: | Maximum Lifetime<br>Mandatory Minimum 8-Year Term                    |
| (4) | Special Assessment: | \$100.00   |

*If 851 Information alleging prior felony narcotics conviction not filed:*

- |     |                     |   |
|-----|---------------------|---|
| (1) | Imprisonment:       | Maximum 40 Years Imprisonment<br>Mandatory Minimum 5 Years Imprisonment |
| (2) | Fine:               | Maximum \$2,000,000   |
| (3) | Supervised Release: | Maximum Lifetime<br>Mandatory Minimum 4-Year Term.                      |
| (4) | Special Assessment: | \$100.00  |

**Count 2:** 21 U.S.C. §§ 841(a)(1), (b)(1)(D) – Possession With Intent To Distribute A Schedule I Controlled Substance (Marijuana).

*If 851 Information alleging prior felony narcotics conviction filed:*

- |     |                     |                               |
|-----|---------------------|-------------------------------|
| (1) | Imprisonment:       | Maximum 10 Years Imprisonment |
| (2) | Fine:               | Maximum \$500,000             |
| (3) | Supervised Release: | Mandatory Minimum 4-Year Term |
| (4) | Special Assessment: | \$100.00                      |

*If 851 Information alleging prior felony narcotics conviction not filed:*

- |     |                     |                                |
|-----|---------------------|--------------------------------|
| (1) | Imprisonment:       | Maximum 5 Years Imprisonment   |
| (2) | Fine:               | Maximum \$250,000              |
| (3) | Supervised Release: | Mandatory Minimum 2-Year Term. |
| (4) | Special Assessment: | \$100.00                       |

United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED *ce*

FEB 27 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES OF AMERICA,

v.

CR08-0110



DLJ

ANTIONE DEMETRIUS SMITH,  
a/k/a Antoine Smith,  
a/k/a "Moto,"

DEFENDANT(S).

INDICTMENT

21 U.S.C. §§ 841(a)(1), (b)(1)(B)(iii), (b)(1)(D) – Possession  
With Intent To Distribute Crack Cocaine and Marijuana

A true bill.

*[Signature]*

Foreman

Filed in open court this 27 day of

February 2008

Clerk

*[Signature]* Bail \$ *No process.* *2/27/08*

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

**FILED**  
FEB 27 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTIONE DEMETRIUS SMITH,  
a/k/a Antoine Smith,  
a/k/a "Moto,"

Defendant.

No. 0808 0110

VIOLATIONS: 21 U.S.C. §§ 841(a)(1),  
(b)(1)(B)(iii), (b)(1)(D) – Possession With  
Intent To Distribute Crack Cocaine and  
Marijuana

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 841(a)(1), (b)(1)(B)(iii) – Possession With Intent To  
Distribute Crack Cocaine)

1. On or about April 19, 2005, in the Northern District of California, defendant,

ANTIONE DEMETRIUS SMITH,  
a/k/a "Antoine Smith,"  
a/k/a "Moto,"

knowingly and intentionally possessed with intent to distribute a Schedule II controlled  
substance, namely, approximately 32.1 grams of a mixture and substance containing a detectable  
amount of cocaine base in the form of "crack," in violation of Title 21, United States Code,  
Sections 841(a)(1) and 841(b)(1)(B)(iii).

INDICTMENT

COUNT TWO: (21 U.S.C. §§ 841(a)(1), (b)(1)(D) – Possession With Intent To Distribute Marijuana)

2. On or about April 19, 2005, in the Northern District of California, defendant,  
ANTIONE DEMETRIUS SMITH,  
a/k/a "Antoine Smith,"  
a/k/a "Moto,"  
knowingly and intentionally possessed with intent to distribute a Schedule I controlled substance,  
namely, approximately 34.6 grams of marijuana, in violation of Title 21, United States Code,  
Sections 841(a)(1) and 841(b)(1)(D).


DATED: February 27, 2008

A TRUE BILL.

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
W. DOUGLAS SPRAGUE  
Chief, Oakland Branch

(Approved as to form: )  
AUSA GARTH HIRE  
AUSA JAMES C. MANN

INDICTMENT